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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/530,382
Filing Date: April 06, 2005
Appellant(s): KELLY ET AL.

Michael E. Belk (Reg No 33,357)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 December 2008 appealing from the Office action mailed 15 October 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Publication No US 2002/0078144 A1 LAMKIN ET AL., June 20, 2002

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamkin et al. (Pub. No US 2002/0078144 A1), hereinafter Lamkin.**

2. With respect to claim 1, Lamkin discloses a method of enhancing multimedia data contained on an information carrier (Page 5, [0103], lines 1-3), said information carrier also containing additional carrier data (Page 5, [0099], lines 1-4), said method comprising the following acts:

reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6; i.e. . . . a cookie records user- specific information . . .),

in a storage unit of a recording and/or reproducing device (Page 11, [0206], lines 1-6; i.e. a client's computer),

Providing, in an off-line session, the additional carrier data as a function of the user data (Lamkin discloses using a DVD player (#602) to play a movie from an enhanced DVD

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(paragraph 103) which is "stored locally on the device" (paragraph 104 line 3) (i.e. this corresponds to the limitation "off-line session"). Lamkin discloses providing text/graphics (paragraph 95) giving "information about the scene" (paragraph 95 lines 14-15) (i.e. this corresponds to the limitation additional carrier data)),

updating the user data to reflect a latest off-line action of the user (Abstract, lines 15-30; also see Page 7, [0133], lines 1-4; i.e. the cookie manager . . . saves information (cookie) regarding the disk, platform, current user, etc. (off-line user data));

providing, in an on-line session, additional remote data from a remote unit as a function of the user data, the remote unit being connected to the recording and/or reproducing device via a network (Page 9, [0166], lines 1-9; i.e. the "additional remote data" is the update content that is available online for the non-enhanced movie title), and

updating the user data to reflect a latest on-line action of the user (Page 11, [0205]; i.e. when a user access a web page the website containing the accessed information causes a cookie (i.e. the updates on-line actions) to be stored on a local storage drive)so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit ((Page 5, [0103], lines 1-3 and Page 9, [0166], lines 7-9), "Lamkin discloses that playing a non-enhanced movie title with online content (i.e. on-line session) gives the "same interactive experience" (Page 9, [0166], line 8) as playing an enhanced InterActual DVD (i.e. off-line session)).

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5. With respect to claim 3, Lamkin discloses an information carrier comprising multimedia data and additional carrier data for enhancing the multimedia data, said information carrier (Page 5, [0103], lines 1-3) further comprising: means for reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of a recording and/or reproducing device (Page 11, [0206], lines 1-6; i.e. a client's computer), means for providing, in an off-line session, the carrier additional data as a function of the previous actions of the user (Page 5, [0095], lines 5-15; i.e. ...a new text display giving information about the scene), means for providing, in an on-line session, additional remote data from a remote unit as a function of the previous actions of latest actions the user (Page 9, [0166], lines 1-9), and means for updating the user data in the user file as a function of latest actions the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 9, [0166], lines 1-9).

6. With respect to claim 4, Lamkin discloses a recording and/or reproducing device (Page 11, [0206], lines 1-6; i.e. a client's computer) adapted to read an information carrier containing multimedia data and additional carrier data for enhancing the multimedia data (Page 5 continued through to Page 6, [0103] continued through to [0104]), said device comprising: means for reading a user file containing user data defining previous actions of a user (Page 12, [0207], lines 1-10), in a storage unit of the recording and/or reproducing device (Page 12, [0207], lines 1-10), means for providing, in an off-line session, the additional carrier data as a function of the

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previous actions of the user (Page 5, [0095], lines 5-15; i.e. ...a new text display giving information about the scene), means for providing, in an on-line session, additional remote data from a remote unit as a function of the previous actions of latest actions the user (Page 9, [0166], lines 1-9), and means for updating the user data in the user file as a function of latest actions the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 9, [0166], lines 1-9).

With respect to claim 5, Lamkin discloses a computer program stored on a computer readable medium, the computer program comprising program instructions for implementing the method of enhancing multimedia data as claimed in claim 1, when said program is executed by a processor (Page 79, Claim 2, lines 1-18).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses the replies individually.

1. On Page 13, Appellant argues that “*Lamkin does not disclose or suggest Updating the very same cookie file*”.

In reply, to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., updating the same single cookie file) are not recited in the rejected claim(s). Applicant's claim states

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"updating user data" and not "updating the same single cookie file". The examiner respectfully points out that "updating user data" and "updating the same single cookie file," are two separate things. Updating user data does not necessitate that the file also be updated. In other words, the claims only say that the "user file" contains "user data". The claim does not mention the "user file" also containing the "updated user data". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Lamkin discloses updating the very same user data to reflect both the latest and off-line (Page 7, [0133], lines 1-4; i.e. the cookie manager . . . saves information (cookie) regarding the disk, platform, current user, etc. (off-line user data)) and on-line user actions (Page 7, [0129], lines 12-14; . . . the cookie manager receives a cookie (user actions) in response to accessing the internet (on-line)).

2. On Page 13, Appellant further argues that "*Lamkin is not even concerned with any viewing experience during both off-line and on-line sessions*".

In reply, Lamkin discloses at (Page 5, [0103] lines 1-3 and Page 9, [0166], lines 7-9), "Lamkin discloses that playing a non-enhanced movie title with online content (i.e. on-line session) gives the "same interactive experience" (Page 9, [0166], line 8) as playing an enhanced InterActual DVD (i.e. off-line session).

3. On Page 14, Appellant argues that paragraph [0186] fails to disclose, "*updating the user data to reflect the latest on-line action of the user so that a viewing experience of the user is*

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consistent during both off-line and on-line sessions, and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit”.

In reply, Lamkin discloses updating the very same user data to reflect both the latest and off-line (Page 7, [0133], lines 1-4; i.e. the cookie manager . . . saves information (cookie) regarding the disk, platform, current user, etc. (off-line user data)) and on-line user actions (Page 7, [0132], lines 7-9; . . . provides events to the cookie manager such as relate to the accessing of web pages (which the examiner interprets as providing the cookie manager with a cookie of the users on-line actions)), and so that a viewing experience of the user is consistent during both off-line and on-line sessions. Lamkin discloses at (Page 5, [0103] lines 1-3 and Page 9, [0166], lines 7-9), "Lamkin discloses that playing a non-enhanced movie title with online content (i.e. on-line session) gives the "same interactive experience" (Page 9, [0166], line 8) as playing an enhanced InterActual DVD (i.e. off-line session).

Which means that it can offer the user the same (consistent) on-line experience as it does off-line, by as stated in [0166] accessing the updated content on the enhanced titles (off-line) or for non enhanced titles looking online for updated content (on-line)), and the same customization features (i.e. which are the same interactive features of the DVD as mentioned in paragraphs [0107] and [0109]) are provided when the additional carrier data are coming from the information carrier or from the remote unit (Page 9, [0166], lines 1-9; i.e. . . .online content for the current title (off-line), if there is such content, the system can offer the same interactive experience as a title in accordance with the invention (on-line)).

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Additionally, Lamkin discloses “Updating the very same user data to reflect both the latest and off-line and on-line user actions” at (Page 7, [0132], lines 7-9; i.e. the cookie manager receives events (cookie) such as the accessing of web pages (on-line user data), and disk insertion and ejection (off-line user data)). In addition to the cited portion directly above, Lamkin, further discloses in its Abstract (lines 1-30) applicants argument of “*Updating the very same user data to reflect both the latest and off-line and on-line user actions so that a viewing experience of the user is consistent during both off-line and on-line sessions, and same customization features are provided when the additional carrier data are coming from the information carrier or from the remote unit*”.

4. Appellant further argues that “*Paragraph [0186] of Lamkin merely recites the user has access to two views. This in no way discloses or suggests that updating the user data to reflect a latest on-line action of the user so that a viewing experience of the user is consistent during both off-line and on-line sessions, and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit, as recited in independent claims 1 and 3-4*”.

In reply, Paragraph [0186] discloses that a user has the ability to switch between world wide web (on-line) content and disk (off-line) content as stated earlier and throughout the reference i.e. (Page 7, [0132], lines 7-9; i.e. the cookie manager receives events (cookie) such as the accessing of web pages (on-line user data), and disk insertion and ejection (off-line user data)). Furthermore, Lamkin discloses updating the very same cookie to reflect both off-line (Page 7, [0133], lines 1-4; i.e. the cookie manager . . . saves information (cookie) regarding the

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disk, platform, current user, etc. (off-line user data)) and on-line user actions (Page 7, [0129], lines 12-14; . . . the cookie manager receives a cookie (user actions) in response to accessing the internet (on-line)) so that a viewing experience of the user is consistent during both off-line and on-line sessions (Page 9, [0166], lines 1-9; If there is such content, the system can offer the same interactive experience as a title in accordance with the present embodiment affords.

Which means that it can offer the user the same (consistent) on-line experience as it does off-line, by as stated in [0166] accessing the updated content on the enhanced titles (off-line) or for non enhanced titles looking online for updated content (on-line)), and the same customization features are provided when the additional carrier data are coming from the information carrier or from the remote unit (Page 9, [0166], lines 1-9). Furthermore, at paragraph [0186] Lamkin discloses “a user has two views between which he or she can switch, one being from the world wide web (WWW) and the other being from the disk content”.

Which means as disclosed earlier to applicant at (Page 7, [0133], lines 1-4; i.e. the cookie manager . . . saves information (cookie) regarding the disk, platform, current user, etc. (off-line user data)) and on-line user actions (Page 7, [0129], lines 12-14; . . . the cookie manager receives a cookie (user actions) in response to accessing the internet (on-line)), so that a viewing experience of the user is consistent during both off-line and on-line sessions (Page 9, [0166], lines 1-9; If there is such content, the system can offer the same interactive experience as a title in accordance with the present embodiment affords. Which means that it can offer the user the same (consistent) on-line experience as it does off-line, by as stated in [0166] accessing the updated content on the enhanced titles (off-line) or for non enhanced titles looking online for updated content (on-line)).

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Additionally, Lamkin discloses “Updating the very same user data to reflect both the latest and off-line and on-line user actions” at (Page 7, [0132], lines 7-9; i.e. the cookie manager receives events (cookie) such as the accessing of web pages (on-line user data), and disk insertion and ejection (off-line user data)). Lamkin, further discloses in its Abstract (lines 1-30) applicants argument of “*Updating the very same user data to reflect both the latest and off-line and on-line user actions so that a viewing experience of the user is consistent during both off-line and on-line sessions, and same customization features are provided when the additional carrier data are coming from the information carrier or from the remote unit*”.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Marshall M. McLeod
April 09, 2009

CONFEREES

/Ramy M Osman/

Primary Examiner, Art Unit 2457

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